Overview

Since its independence declaration in 1991, the Ukrainian government has paid attention to education. The basic law “On Education” (1991) introduced modern approaches to education, calling for modernization of the post-soviet education system.

Special laws “On General Secondary Education”, “On Higher Education”, “On Vocational Education” in the early 20th century clarified the legal regulation of specific fields but the general trend of education development was determined by the basic law mentioned above.

Some radical reforms were anticipated in secondary education (namely, 12 academic years for complete general secondary education, in contrast with the 11 years which had previously been the norm) but they really were forgotten and failed when governments were being changed.

Nevertheless urgent reforms in secondary education were implemented during 1991-2006.

First of all a strong humanistic impact was given to secondary education. Study subjects focused on Marxism/Leninism were removed from curricula and the content of humanistic education was renovated. Ukrainian students were given opportunities to
study the truthful history of Ukraine and of the world as well. Similar transformations occurred with teaching of literature, languages etc.

Permission for private schooling was the second important direction of reforms. The period 1992-1996 was the best for businesses opening private schools.

The third was academic freedom of teachers and autonomy of schools. New schools were founded ensuring higher quality of education in specific fields. Schools with humanistic profile focused more attention on foreign languages. These schools helped to cover the big gap in learning languages inherited from the USSR. Schools oriented on mathematics, IT, science saved good Soviet practices in teaching those subjects.

But the average quality of primary and secondary education wasn’t tolerable; it was a key problem. For a long time society had strongly believed that the quality of education was high in Soviet Ukraine and remains the same in independent Ukraine, but international monitoring doesn’t support this belief.

Extremely important reform started in 2004. Government had launched an external independent assessment (EIA) for secondary school graduates, anticipating that this external examination would monitor the quality of secondary education. But starting from 2007, EIA played a crucial role also in combating corruption in university admission.

In 2007 Ukraine participated in international observation (TIMSS) for the first time. Results have shaken faith in the high quality of secondary education. TIMSS of 2011 were not much better. Ukraine terminated participation in TIMSS because of financial reasons.

Ukrainian society initiated discussion concerning quality of education. Constantly increasing migration to European countries, USA and Canada, and increasing number of Ukrainian students in schools and universities of Western countries, were key factors which stimulated searches for better ways for education development.

Political discussions concerning development of education strengthened after the 2010 presidential election. When the government tried to strengthen administrative methods in higher education the opposition initiated development of an alternative version on the Education Law. Rectors of leading universities headed the process. Two draft laws were prepared. One so called draft law on radical reform was drafted by the opposition party People's Front. The second draft law prepared under the lead of prof. Mykhailo Zgurovsky was finally supported by Prime Minister Mykola Azarov and the government was preparing it to submit to parliament (Verkhovna Rada).

It became clear that any more or less radical reforms of higher education might not succeed without reform of other levels of education: primary, secondary, vocational. Therefore the Opposition in 2013 initiated drafting a new version of the basic law – Law on Education.
After the Revolution of Dignity, new education laws became a priority for the parliament. The Law on Higher Education\(^1\) was passed in 2014 and the Law on Education\(^2\) in 2017. These laws outlined the main reforms in education of the post revolution period and made a strong impact on the landscape of primary and secondary education.

**Legal framework of secondary education**

Legal framework of primary and secondary education in Ukraine is based on the Constitution of Ukraine\(^3\).

Article 53 guarantees the right to education for everybody. The second part of the article declares that “complete general secondary education shall be compulsory”. The term “complete general secondary education” is not defined in the Constitution but with regard to the Law on Education this term includes primary, low secondary and high secondary education.

With regard to these terminological mismatches we’ll use in this text terms primary and secondary education as they are determined in the International Standard Classification of Education (ISCED-2013)\(^4\).

The third paragraph of the article 53 obligates the state to “ensure accessible and free (of charge)... complete general secondary... education”.

For a long time up to 2017 provision of compulsory complete general secondary education was interpreted in such a way that everybody attending school shall be granted with corresponding certificate on completing general secondary education independently from his/her learning outcomes. This legal position was fixed by the Law on General Secondary Education\(^5\).

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\(^{3}\) https://www.kmu.gov.ua/storage/app/imported_content/document/110977042/Constitution_eng.doc


\(^{5}\) Law of Ukraine on General Secondary Education. - URL: https://zakon.rada.gov.ua/laws/show/651-14?lang=en
The new Law on Education mentioned above introduces legal provisions focused on vital reforms of all educational systems including primary and secondary. The basic provisions regarding schooling.

1. The Law determines nine main competencies to be obtained by students at school:
   ✓ fluency in the state language, Ukrainian;
   ✓ ability to communicate in the home language (if different from the state one) and, at least, in one foreign language;
   ✓ mathematic competence; competences in the area of natural sciences, engineering and technologies;
   ✓ innovativeness;
   ✓ environmental competence;
   ✓ information and communication competence;
   ✓ capacity for life-long learning;
   ✓ civic and social competences connected with ideas of democracy, justice, equity, human rights, wealth and healthy lifestyle, with awareness of equal rights and opportunities; cultural competence;
   ✓ entrepreneurship and financial literacy.

The Law also prescribes skills common for all competencies:
- reading with understanding;
- a skill to express one’s opinion orally and in writing;
- critical and systemic thinking;
- ability to logically justify one’s position;
- creativity;
- leadership;
- ability to manage emotions in a constructive way, assess risks, make decisions, solve problems;
- ability to cooperate with other people.
Therefore these provisions ensured the start of radical reform of primary and secondary education content focused on new demands for content of education and learning outcomes.

2. The law introduces new principles of education. The most important one with regard to schooling is right of choice for parents, which corresponds with article 2 of the Protocol to the Convention on Human Rights and Fundamental Freedoms\(^6\).

3. The law introduces a modern classification of education. First of all it strongly separates formal, non-formal and informal education and anticipates provisions ensuring opportunities for recognition of learning outcomes of non-formal and informal education in formal education. It allows the development of post-soviet out-of-school education as a part of the education process for children and increased possibilities of formal school education. Secondly the law structures formal education with regard to the UNESCO statistical standard ISCED-2013. Concerning school education the law saves 4-year primary school and 5-year lower secondary school but increased duration of higher secondary education up to 3 years. Finally Ukraine started again transition to 12-years of secondary education\(^7\). The law anticipates a long transition period from 2018 up to 2027.

4. The law introduces basic elements of a National System of Qualifications. The National Framework for Qualifications (NQF) was outlined in the Law for the first time. Concerning secondary education, NQF anticipates second level based on lower secondary education and the third level consisting of higher secondary education. The Law determines higher secondary education as having two groups of profiles: academic and vocational.

5. The law introduces a modern approach to education content development. Study programs in formal education shall correspond to education standards, approved by government. A structure of study programs is determined by Law. Study program is a foundation for curricula (education plan).

6. The Law grants academic autonomy to schools. Now schools are in charge to develop their own study programs or apply so-called “typical” study programs

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\(^6\) Convention on Human Rights and Fundamental Freedoms.- URL: [https://www.echr.coe.int/Documents/Convention_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf)

\(^7\) Former approach was interrupted in 2012 by government under President V.Yanukovych administration.
developed by the Ministry. Even if the school uses a typical study program it is free
to develop its own curricula.

In 2017 an ambitious Governmental project “New Ukrainian School” \(^8\) started to ensure
implementations of new law provisions in primary and secondary education. Government
approved the Concept of the project and standard of primary education. After piloting in
the 2017-2018 academic year primary education started according to new standard in
2018-2019 year.

Extremely important provisions concerning secondary education were introduced by Law
On Higher Education and Law on Education. Colleges and technical colleges as training
junior specialists were transformed in early 1990s from the soviet system of special
secondary education to a system of higher education. Now they should be returned to
non-tertiary vocational education. This level of education was entitled as professional pre-
higher education. Therefore higher secondary education obtained the opportunity to use
the network of schools for establishing vocational profiles.

Formation of the new legal framework isn’t completed up to the moment. Draft laws “On
Complete Secondary Education” and “On Vocational Education” have been submitted by
the Cabinet of Ministries of Ukraine to Verkhovna Rada (parliament) to replace actual
laws having the same titles.

**Structure of government-operated schooling**

In parallel with educational reform, the Ukrainian government in 2015 started large-scale
reform through decentralization – delegation of more power to local governments. The
first stage of reform stimulated strengthening of local communities – so called united
territorial communities preferably in rural areas. Local communities were given the
primary power in managing pre-school, primary and secondary education, as well as out-
of-school (non-formal) education.

Therefore local government, as founders of schools, have responsibility to maintain
school premises, pay for utilities and school equipment and fund salary of non-teaching
personal.

Government transfers educational subventions for teachers’ salaries. Special subventions
were allocated for inclusive education and to purchase school buses, new furniture and
equipment to launch the New Ukrainian School project.

Government is responsible for education content and ensuring quality of education.
Government is in charge of approving standards for primary and secondary education.
Study programs in schools must correspond to standards and secure achievement of

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\(^8\) New Ukrainian School site. – URL: [https://nus.org.ua/](https://nus.org.ua/)
learning outcomes according to these standards. The Ministry of Education and Science has to develop so called typical study programs and typical curricula. Schools are granted the right to apply a typical study program or develop their own. To apply its own study program the school has to obtain approval of the State Service of Education Quality of Ukraine⁹.

In any case a school has a right to develop its own curricula based on study program.

Therefore a larger share of public schools are administered at the level of local government. A small number of schools are managed at the regional level. Boarding schools preferable for students with disabilities belong to this category and some profiled schools as well.

Universities are granted power to found schools according to the law. Some universities are founders of profiled schools in science and arts. For example the prominent Physical and Mathematical Lyceum was founded by Taras Shevchenko national university of Kyiv.

Following provisions mentioned above one can conclude that schools may have a distinctive character based upon a pedagogical approach, but the law also anticipates a distinctive character of schools based upon special content of education and teaching languages.

Concerning special content article 21 of the Law anticipates existence of specialized schools in follow directions:

- arts;
- sports;
- military;
- science.

These provisions fix the current status of such schools. A peculiarity of this type schools is that in parallel with secondary (in some cases also with primary) education students have opportunities to develop special and professional competencies with regard to their natural abilities at an early age.

Language peculiarities of schools are focused on educational problems concerning national minorities and indigenous people. Primary schooling in mother-tongue language is secured for national minorities and indigenous people as well, but secondary education in mother-tongue language is allowed only for indigenous people (to date, Crimean Tatars). In both cases studying the state language (Ukrainian) is compulsory.

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But it is necessary to mention that for the entire period of independent Ukraine the post-soviet tradition of education for minorities was maintained. Schools for national minorities (Russian, Hungarian, Polish, Moldovian, Romanian etc.) were taught at national languages and Ukrainian was studied only as a subject. The situation finally appeared as discrimination with regard to minorities with languages belonging to groups far from Ukrainian (Romanian, Hungarian etc.). From a legal point of view this contradicts provisions of the Constitution of Ukraine (articles 12 and 53). Nevertheless changes provoked criticism from Ukrainian neighbors and were considered by Venice commission\textsuperscript{10} and the Constitutional Court of Ukraine\textsuperscript{11}. Recommendations of Venice Commission concerned mainly terms of law provisions implementation.

The Constitutional Court of Ukraine investigated the law on appeal of members of parliament and didn’t find contradictions to Constitution.

The law On Ensuring Functioning of Ukrainian Language as State One\textsuperscript{12} (Art. 21) passed in 2019 again repeated provisions of the law On Education mentioned above.

Therefore Ukraine is introducing new rules for national minorities teaching:

- primary education is guaranteed in mother tongue along with teaching official language;

- lower secondary education for indigenous peoples of Ukraine is guaranteed in mother tongue along with teaching official language;

- persons belonging to indigenous peoples, national minorities of Ukraine are guaranteed the right to study their native language in municipal schools or in national cultural associations;

- at any school one or more disciplines may be delivered according to the educational programme in two or more languages: the state language, in English, in other official EU languages.

According to the Law, secondary education for persons belonging to national minorities will be provided in Ukrainian starting from 2020. Some disciplines may be delivered in English or other official languages of EU. Crimean Tatars as indigenous people may continue learning in their native language along with Ukrainian.

\textbf{Freedom to establish and operate non-government schools}

\textsuperscript{10} Opinion on the provisions of the Law on Education of 5 September 2017 which concern the use of the state language and minority and other languages in education. - URL: https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)030-e

\textsuperscript{11} http://ccu.gov.ua/dokument/10-r2019

\textsuperscript{12} Law of Ukraine On Ensuring Functioning of Ukrainian Language as State One https://zakon.rada.gov.ua/laws/show/2704-19
A new law introduced important provisions concerning different forms of ownership of schools. First of all, article 22 introduces three forms of ownership: state, municipal, private and corporate, and guarantees equality of these forms. Corporate school in this sense means a school founded by central or local government and private persons of legal entities on the basis of state and private partnership.

This article also anticipates three legal and tax basis of educational institutions including schools: budgetary institution, non-profit institution and profitable institution. Full implementation of this provision will take time and additional legal regulation. Public schools traditionally have the status of budgetary organizations. Private schools for a long time have had the status of profit-making and have tried to resolve problems through easing tax pressure. For example, private educational services are free from VAT (value added tax).

Obviously, provisions mentioned above concern religious organization as well. While state and municipal schools are declared to have a secular character and are separated from religious organizations, schools founded by religious organizations are granted with right to determine their religious orientation. This provision does not free such school from maintaining the norms of state standards of primary and secondary education.

Art. 78 of the law On Education anticipates public funding of private and corporate schools. These provisions obligate the Cabinet of Ministries of Ukraine to determine norms of public funding per student. Governmental resolution13 anticipated the allocation of educational subvention for private schools but determined norm as 80% of that for public schools.

Foundation of private schools started in 1992. Later the trend to launch private schooling was interrupted after adoption of the Constitution of Ukraine in 1996. This strange process was originated by an interpretation of article 53 and article 35 of the principal law.

Provisions of art. 53 of the Constitution that guaranteed public funding of primary and secondary education in state and municipal schools were interpreted as forbidding funding of education in non-public schools from the state or local budgets. This legal position interrupted support of private schools by budgetary funding in any form including delivering textbooks printed at national level through state budget funding. Finally, Ukrainian lawyers have found common right approach to understanding of basic principles of constitutionalism. The law On Education and corresponding government regulations anticipates limited public funding of private schools.

Provisions of article 35 were interpreted for a long time as obligating the state to separate strongly schooling from religious organizations. Experience of state-religious cooperation and research in this area proved that separation of religion from the state and schooling

13 On approval of the formula for the distribution of educational subvention between local budgets. Resolution of Cabinet of Ministries of Ukraine. = URL: https://zakon.rada.gov.ua/laws/show/1088-2017-%D0%BF

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from religion in Ukraine has to be interpreted in a soft sense and doesn’t forbid foundation of schools by religious organizations.

**Homeschooling**

Before 2017 home schooling was allowed only in exclusive cases linked to medical necessity. The new law on education (art. 9) anticipated individual forms of education including home education. The Ministry adopted a special regulation\(^\text{14}\) on individual education: Students shall be registered at a school and pass school assessment four times per academic year. If a student doesn’t demonstrate learning outcomes corresponding to state standard home schooling may be forbidden.

**Public funding of schools**

Municipal schools, which represent most public schools, are funded by local budgets. Local governments are responsible for allocating for schools the special education subvention from the central budget and from their own incomes as well. Educational subvention is intended to pay teachers. Local government must pay for utilities and other staff by their own incomes. Additionally, the Ministry of Education is responsible for delivering textbooks to schools. The Ministry prints textbooks for all schools using state funding.

Other forms of financial support of schools by central government include:

- subvention for inclusive education of students with special needs;
- funding school bus purchasing;
- funding purchasing of school equipment.

State subvention for secondary education is assigned for teachers’ salary only. It is distributed among local communities (villages, towns and cities) and regional communities on a formula basis. Main formula parameters are determined by the Budget Code of Ukraine\(^\text{15}\). They are:

- number of students in general and at specific types of territory
- curricula;
- indicative number of students per class.

\(^{14}\) MoESU decree on individual form of education. URL: [https://zakon.rada.gov.ua/laws/show/z0184-16](https://zakon.rada.gov.ua/laws/show/z0184-16)

\(^{15}\) Budget Code of Ukraine.- URL: [https://zakon.rada.gov.ua/laws/show/2456-17](https://zakon.rada.gov.ua/laws/show/2456-17)
Local authorities are responsible for general primary and secondary education including inclusive education for students with special needs and consequently they get state subvention for teachers’ salary.

Regional authorities are responsible for primary and secondary education for students with special social and medical needs, including orphans and children deprived of parental care.

The formula approved by government currently distributes subvention among territories of local communities and regions. Key element of current formula is the function determining indicative number of students per class at the territory. This formula depends on two variables: density of child population and share of rural territories in local community. The formula isn’t applicable for distribution subvention among schools - this is the competence of local government.

Nevertheless funding of secondary education differs among territories.

First of all, the incomes of local community budgets differ significantly, so opportunities of local governments to fund utilities and salary of non-teaching personal are different. Moreover some local governments have rather good incomes and ensure extra salary for teachers. For example, the average teacher salary in Kyiv is almost 50% bigger than in the rest of Ukraine.

The formula for distribution of subvention also seems to be far from perfect. Procedures for schools’ funding was developed during 2014-2018. Only in 2019 did the government find an appropriate solution which minimized the need for interventions during the financial year.

As a result, the average teacher salary in different regions is different. The problem is that this difference doesn’t correlate with the quality of educational services.

Key problem for making any decision in education is absence of valid educational statistics. Provisions on educational statistics were introduced by the Law but implementation requires resources and time.

The Government resolution mentioned above determines funds to be allocated to private schools. While the Law introduced legal norms on funding private schools in 2017, implementation started only in 2019.

**Support for families**

The concept of the New Ukrainian School project focuses on formation of collaborative relations among participants of the educational process: teachers, students and parents.

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16 On approval of the formula for the distribution of educational subvention between local budgets. Resolution of Cabinet of Ministries of Ukraine. - URL: https://zakon.rada.gov.ua/laws/show/1088-2017-%D0%BF
The new methodology – three-sided partnership - is intended to remove the old methodology based on administrative domination of teachers.

Parents according to this project should play a more influential role in the educational process in school.

First of all parents of students are recognized as participants in the educational process (art. 52 of the Law on Education). Art. 55 determines the scope of rights and responsibilities of parents. Among others following important rights should be underlined:

- “…choose the institution of education, educational program, type and form of obtaining education by their children;

- participate in public self-government of the institution of education: in particular, select and be selected to bodies of public self-government of the institution of education;

- receive information about all scheduled and unscheduled pedagogical, psychological, medical, sociological events, studies, investigations, pedagogic experiments at the institution of education in a timely manner and give their agreement for participation of their child in those activities;

- participate in development of the child’s individual development plan and/or individual education plan…”

Taking into consideration the provision “state authorities and bodies of local self-government should protect the right of parents to raise their children in accordance with their religious and philosophical views, and educational agents should take respective views into consideration when organizing and implementing the educational process without prejudice to rights, freedoms and legitimate interests of other participants of the educational process…” one can conclude that parents’ rights including one to select school and study program according to their religious views, are legally guaranteed with regard to international obligations of Ukraine.

But Ukrainian practice of law enforcement demonstrates that general law provisions don’t work if they are not clarified by governmental decisions.

Unfortunately, the special law On General Secondary Education doesn’t confirm all provisions of the law On Education. A new version of this law was submitted to the Parliament by the Cabinet of Ministries and its approval is in progress.

Parents traditionally form parental committees at the class level and school level as well. The competence of such committees is not clarified. There are examples of parental committees at district or city level (in Kyiv for example).
Families get financial support from the state. We focus attention on four principal categories of governmental support.

**Textbooks.** All students get free of charge textbooks from the school. A special committee selects manuscripts of textbooks appropriate for teaching and the central government funds printing with state budget. Then teachers select textbooks for their schools and therefore finally determine the number of copies to be printed. Starting from 2017 digital versions of textbok are available free of charge.

**Medical care.** Free of charge medical care is secured for students at school. Doctor or nurse usually works at school as a staff member.

**Food.** Free of charge food at school is guaranteed by law for some categories of students (art.7 21 of the law on General Secondary Education). They are: orphans, students with special needs, students of primary school from families getting state support according to the Law on State Social Assistance to Poorer Families. Local governments are responsible for funding food in schools. They are in charge to secure food for other categories of students. Some local governments fund half of food cost if parents pay other half.

**Transportation and school buses.** Local governments are in charge to secure free transportation of students. If a scope of transportation needs is too big local government is responsible to ensure transportation by special school bus. There are over 1300 school buses up to date, which serve almost ten percent of all schools. Central government grants local governments partially with extra funds for purchasing school buses.

**Distinctive character of schools**

As mentioned above. new legislation granted more academic autonomy to schools. These provisions open the door for opportunities to launch new study programs, new curricula and new methodologies as well.

Before 2017 schools hadn't the right to deviate from officially approved curricula and content of education, but there were exclusive curricula for schools specialized in some fields of education: Mathematics, Science, IT, languages, humanities, art, sports etc. This sector of secondary education continues to be successful and may be classified as elite in a good sense; it doesn't include costly education in some private schools for extremely rich families.

Thanks to these specialized schools, Ukrainian students are successful at International Olympiads (contests) in Math, Physics, Informatics etc. For example, the greatest

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17 Law of Ukraine On General Secondary Education. – URL: [https://zakon.help/law/651-XIV/](https://zakon.help/law/651-XIV/)
19 **INTERNATIONAL MATHEMATICAL OLYMPIAD.** – URL: [https://www.imo-official.org/](https://www.imo-official.org/)
20 The 50th International Physics Olympiad. – URL: [https://www.ipho-new.org/](https://www.ipho-new.org/)
21 International Olympiad in Informatics. – URL: [https://ioinformatics.org/](https://ioinformatics.org/)
success of the Ukrainian young mathematicians team in 2018 was achieved thanks to a group of students of Lyceum No 27 of Kharkiv.

The new policy of secondary education focuses on diversity of schooling with the only common official demand to secure learning outcomes determined by the state standard.

Non-government schools play an important role in two respects. Schools of the first category try to guarantee high-quality education for students from high-income families. Most of them are focused on humanities and good English is a must. Cost of such education is comparable with one in good universities.

Schools of the second category are focused on forwarding religious values, Christian as a rule. Before 2015, religious organizations had no rights to found schools so such schools were founded by individuals. After 2017 such schools are provided more academic freedom to serve their mission.

In 2015 four small schools of the second category in Odessa were popular among families from religious organizations.

The Law on Education (art. 78) and Budget Code of Ukraine anticipate state support education of student in private and corporate schools by allocation of funds from state or local budget to such schools. The amount of funds should be determined by a financial norm per student, to be clarified by government decision. A Government regulation passed in 2019 approved a formula for education subvention allocation and included private schools. But the amount of funds for teachers' salaries is only 80% compared with public school teachers. Local governments are not obligated to allocate funds to private schools. There are no data that public funds were allocated for private schools up to date.

**Decisions about admitting pupils**

The sector of high-quality schools is rather limited. The majority of schools are not capable of providing high-quality education. Families are highly interested in obtaining good education for their children. Rich families prefer costly private schools. Others try to select for their child officially free-of-charge public schools.

External independent assessment focused on universities admission suggested some objective criteria for school ratings.

Before 2017 popular schools used to apply some selection procedures for pupil admission starting from primary schools. This practice often discriminated against children at too young age.

The new law On Education introduced some rules for school admission. First of all local government is in charge to specify an attendance zone for each school. Children living in this zone have a guaranteed right to be admitted to the school. If the school has free seats,
it can admit other children, if necessary using selection procedures. The law doesn’t determine criteria for pupil selection. Usually schools assess pupil abilities.

Controversial admission procedures to primary schools used by popular schools are limited by legal provisions forbidding inclusion of pre-school study programs as elements of primary education standards. So schools can’t assess skills and knowledge to be achieved in a school in the admission process.

Any limitation based on sex, religious, nationalities etc. is forbidden in school selection, independently of school ownership.

School admission procedures generate some disputes among parents and schools. In such cases parents usually appeal to local government or to the Ministry of Education and Science. No court cases are known up to date.

**Decisions about staff**

Teacher staff selection before 2017 was controlled by local government. Education departments in districts and cities hired teachers for schools. This was contrary to the legal status of school (all schools are legal persons). But tradition inherited from the soviet system still dominated.

The new law On Education additionally stressed the school right to select and hire personnel. Selection procedures are not determined by government for public schools and private as well.

The only demand for teachers is professional qualification. A University diploma is sufficient for qualification recognition and admission to work.

But assessment of teacher qualifications is relevant for Ukraine from the point of view of salary in public schools. Among other components determining teacher salaries, the specification of professional qualification is the most valuable. Attestation procedures inherited from soviet times determine four levels of teacher qualification. A higher level prescribes a higher salary. But research based on student learning outcome assessed independently discovered that achievement of school graduates doesn’t correlate with formal levels of teacher qualification.

The new law On Education introduces a so-called teacher certification procedures. It anticipates independent assessment of teacher knowledge and his/her experience. Teachers who pass a successful certification exam should get extra 20% salary. These provisions aimed at acceleration of implementation of the New Ukrainian School. The first group of teachers are expected to pass certification in 2019.

The law anticipates that the certification process has two stages. At the first stage the teacher has to pass a test of knowledge. At the second stage experts will evaluate teacher
experience through his or her portfolio. The Ministry decided to evaluate experience using video of a teacher’s lesson.

A more systematic approach to assessment of teacher qualifications may be based on elements of the National System of Qualification also introduced by the law. Qualification centers accredited by the National Agency of Qualifications will assess professional qualifications with regard to professional (occupation) standards. The first professional standard – for primary school teacher – was approved by government.\(^{22}\)

**Accountability for school quality**

The system of school quality control was in general inherited for the soviet one up to 2017. Education management bodies at local level controlled quality of education by regular inspections. Such bodies included local government bodies of cities and departments of district and regional state administrations. Staff of such bodies included some number of inspectors. They often involved other staff members for the inspection.

A special controlling body – State Inspection of Educational Institutions – controls education quality at the national level.

High quality of educational services in secondary education might be granted with higher qualification level of teachers or special status of school - gymnasium or lyceum. Special status of a school guaranteed extra addition to all teacher salary.

Absence of clear and fair indexes of education quality brought a lot of subjective influences in the process.

External independent assessment of learning outcomes became a good tool for battling corruption in tertiary education admission and was the first attempt to evaluate school quality through evaluation of learning outcome of graduates as well.

Ukrainian experts criticized using external assessment as a tool for school evaluation. The first argument is that only part of school graduates pass the external assessment. Secondly, given the high significance of the assessment, families often hire private tutors for their children.

But the most important argument against extended application of external assessment is that it assesses mainly knowledge but skills to a lesser extent.

So government has modified the external assessment. In 2019 two subjects – Ukrainian language and Mathematics/History (for selection) should be passed by each school graduate as a certificate exam for getting complete secondary education certificate. Mathematics is declared to become obligatory exam for all school graduates in 2021.

\(^{22}\) Occupation standard for primary school teacher (Ukrainian). – URL: [https://zakon.rada.gov.ua/rada/show/v1143732-18](https://zakon.rada.gov.ua/rada/show/v1143732-18)
The new law On Education generalized this experience and introduced a modern system of education quality assurance. Schools are obligated to create an internal system of quality assurance. Local education management bodies are not in charge to control quality of education. Quality assurance and control functions are concentrated in a new government body - State Service for Education Quality. It is important to stress that quality assurance is a dominating function of the Service. The Service has regional branches capable of securing qualitative evaluation of education services in region.

The law also anticipates external assessment of learning outcomes of lower secondary education graduates.

Unfortunately, it is still unclear how schools could capitalize on success. The problem is that schools are budgetary institutions and are strongly limited in their right to use extra funds.

Experience of recent years has demonstrated that families are deeply interested in high quality of education. In reality, parents support financially highly qualified teachers and good schools. The budgetary institutional status of schools impels their efforts in a shadowy corruption-like environment. Schools need more financial autonomy for using non-budget income.

**Teaching of values**

To understand the current situation concerning the formation of values in the education process we have to mention the soviet experience of so-called “communist formation”. Communists recognized that formation of communist values was impossible on a basis of scientific knowledge. So they separated two terms: teaching/training and formation. Instead of “education process” the term “teaching/formation process” was used. Such terminology led to separation of formation from instruction.

For a long time this terminology was applied in education legislation.

The new law On Education introduced modern international terminology. Now education includes teaching/training, formation and development. This new approach allowed resolving the problem of values formation in harmonization with teaching and training. It is identified by the Law’s preamble : “A goal of education is comprehensive development of the human being as a personality and as the supreme value of the society, development of its talents, intellectual, creative and physical abilities, formation of values and competences necessary for successful self-realization, raising responsible citizens capable to make a conscious choice and channel their activities for the good of other people and the society, and enriching the intellectual, economic, creative, cultural potential of the Ukrainian people on this basis, improving an educational level of the people in order to ensure Ukraine’s sustainable development and its European choice”.

The law On Education defines (Art.12) the goal of primary and secondary education: “A goal of the complete general secondary education is comprehensive development,
upbringing and socialization of the person who is able to live in society and interact with nature in a civilized manner, strives for self-improvement and life-long learning, is ready for conscious life choice and self-realization, responsibility, labor activity and civic activism”. The article describes main competencies and skills common for all competencies to be achieved at school.

State standards of education must clarify learning outcomes at each level of education: primary, low-secondary and upper-secondary. The Standard of primary education is approved in accordance with the Law up to date. Competencies prescribed by this document include formation of some principal values. For example, civic and historical education should form such values as human dignity, cultural tolerance, human rights recognition and need to defend them. Formation of honesty and integrity is prescribed in physical training and sport education.

Government paid special attention to formation of civic competencies and corresponding values. During 2015-2018 two important concepts were approved: Concept of patriotic education (formation) and Concept of civic education. Both documents anticipate formation of values as an inherent element of education process at all levels of education.

As an example of systematic approach to values formation we mention a special article of the law “Art. 42. Academic integrity”. Principles of academic integrity applied at school level should stimulate formation of integrity as a principal value for life.

**Special populations**

With regard to schooling Ukraine has five main categories of vulnerable populations:

- indigenous minorities;
- national minorities;
- internal refugees from temporary occupied territories;
- pupils living at temporary occupied territories;
- pupils from sparsely populated rural territories.

Of course each category needs a specific approach

Problems of national minorities and indigenous minorities were exacerbated in 2014-2017. Occupation of Crimea by the Russian Federation interrupted rather smooth development of minority education. Indigenous people – Crimean Tatars – lost opportunities for teaching in their native language. Many Tatar families were forced to leave Crimea. But the common approach to indigenous people and other national minorities applied before seemed not to be more appropriate. Aggression of Russia in
Crimea and kindling separatism in Dondas were arguably caused by language differences. Taking into consideration the fact that in the East and South many Ukrainians traditionally taught their children in Russian, there was a danger of wrong interpretation of the situation by the neighbor to the North.

From the other side, graduates from minority schools used to be less successful in passing external examination and therefore were discriminated against in university admission.

According to the Law on Education, indigenous people have a right to learn in primary and secondary school through their home language using Ukrainian in parallel.

Other minorities including the Russian one were allowed to learn through their home language in primary school only.

The Venice Commission studied matching corresponding article of the Law international obligations of Ukraine in human rights area and recognized\(^{23}\): “It is also clear that the Ukrainian state-building and the strengthening of the state language as one of its foundations, is an important consideration in the development of Article 7 of the Education Law”.

The Commission recommended in particular: “to amend the relevant transitional provisions of the Education Law to provide more time for a gradual reform”; and “to exempt private schools from the new language requirements in accordance with Article 13 of the Framework Convention”.

Summarizing consideration of the schooling of minorities we have to underline two key problems the Ukrainian government tries to resolve: saving the originality of minorities including their language, literature and culture and integration of minorities into Ukrainian society while ensuring them all opportunities to continue education, get access to government roles, etc. Harmoniously solving this problem is, the government considers, the main goal of implementation. It is important to mention some important decisions passed in 2017-2019. The first is a special road map for implementation of the law in schools for minorities. This plan anticipated different ways to modernize teaching languages with regard to specific languages. One way will be for Slavic languages close to Ukrainian (Russian, Polish, Slovak) and another for languages from other language groups (Romanian, Crimean Tatar, Hungarian). The second important direction of schooling policy is to promote better teaching of Ukrainian in minority schools. For example, a teacher of Ukrainian may get some additional salary. And the third direction is to promote beneficial cooperation with neighboring countries in teaching languages.

This new policy was in general accepted by society. For example in 2018 no children entered primary school with instructions through Russian in the Kherson region with regard to their parent choice despite the fact that Russian is a household language for many families.

Problems of internal refugees from temporary occupied territories concern Crimean Tatars first of all because of the absence of schools for this people outside Crimea. Classes with Crimean Tatar language instructions are open in schools in the Kherson region. Local governments of Kyiv and Lviv created opportunities to learn Crimean Tatar language, history and culture.

Pupils living in temporary occupied territories are often in a most complicated situation. In both cases of Crimea and Donbass they are really being taught through Russian curricula, so they have no opportunities to learn Ukrainian at a good level, don’t learn Ukrainian history, and finally they are exposed to values different from what Ukraine schooling provides. Anti-Ukrainian propaganda, the imposition of Russian Orthodox faith, intolerance of other beliefs are only the most obvious difficulties for returning these persons into a Ukrainian environment.

Distance learning study at Ukrainian schools is really the only way to help this category of students.

Access to good quality secondary education in rural territories was a traditional challenge for Ukrainian governments. External assessment for ten years discloses lower learning outcomes of graduates of rural schools. The source of this situation is a sparse placement of children in rural areas. The economic crises led to a sharp decline of rural population.

Starting from 2012 the government tried to resolve the problem by concentration of pupils in more adequate regional schools, ensuring their transportation by school buses. In 2014 the government started a large program of formation of regional schools. The approach was supported within the framework of decentralization policy. Regional hub schools were granted with extra funds for purchasing modern equipment. The new law On Education guarantees reception of primary education as near as possible to the place of residence, so primary schools were saved if possible but mostly became branches of regional of hub schools. Hub schools are focused mainly on lower secondary education. There are of course some hub schools providing complete secondary education, but introducing 12-year secondary education with a full-scaled three years of high school will demand separate high schools.

**Conclusions**

During the last 13 years Ukrainian education has undergone significant transformation. It will take time to evaluate the impact of reforms. We may only recognize reducing corruption at secondary education and in universities admission up to date. Evaluation of the results of the first stage of schooling reform will require comparing learning outcomes of primary school graduates. The quality of current primary education was monitored in 2018 before starting the New Ukrainian School project. The next similar monitoring is scheduled in 2022 when the first pupils graduate from primary school. Comparing the two assessments may begin to answer the question of the quality and effectiveness of the reforms.
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